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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,675	03/02/2004	Matthew P. Dugas	34018/US	2618

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EXAMINER

KAPADIA, VARSHA A

ART UNIT PAPER NUMBER

2627

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,675	<b>Applicant(s)</b> DUGAS ET AL.	
	<b>Examiner</b> Varsha A. Kapadia	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-8,15-17,19,20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,15-17,19,20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This office action is responsive to the amendment filed on January 11, 2006.

The indicated allowability of claims 8 and 20 is withdrawn in view of the newly discovered reference(s) to Molstad et al (2005/0099713) or Dugas et al (2005/0168869).

Rejections based on the newly cited reference(s) follow.

#### **Rejection Under 35 U.S.C.112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-8, 19-20 and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,6 and 24 are drawn to magnetic tape or media. The tape or media do not further include "write gap" as recited in the claims. Therefore claims 1, 6 and 24 are considered vague and indefinite.

In claims 6, 19 and 24 the phrase "a terminated portion of a write gap segment being larger than remaining of the write gap segment" is very confusing and not clear as to meaning. In claim 24, the phrase "writing servo data in a servowriting head" is awkward as written. It is interpreted as writing servo data by a servowriting head.

Dependent claims 3-4, 7-8 20 and 25-26 do not further clarify the above mentioned subject matter and therefore rejected for the same reasons as indicated above in this office action.

#### **Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 6-8, 19-20 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Molstad et al.

With regards to claims 6, 8, 19-20, 24 and 26, Molstad et al discloses a magnetic tape (see fig. 30 and disclosure thereof) comprising at least servo track (see figs. 32- 38 and disclosure thereof) that includes vertical segments written only in a staggered pattern (see figs. 23-38, 4 and disclosure thereof), and a terminated portion of a write gap segment being larger...(see paragraph [0140]; wherein Molstad et al indicates that the write gap segment is terminated with a circular openings).

With regards to claims 7 and 25, Molstad et al shows the vertical segments in the staggered pattern are mirror images of each other (see figs. 32- 38 and disclosure thereof).

2. Claims 1-4, 6-8, 15-17, 19-20, 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Dugas et al (2005/0168869).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

With regards to claims 1 and 4, Dugas et al disclose magnetic tape (see figs.3 and 12 and disclosure thereof) comprising at least one servo track that include servo data comprised of at least two portions each having a series of short segmented vertical and horizontal segments as claimed (see fig.6 element 38 and fig.7; wherein Dugas et al shows that the horizontal segment is much smaller than the vertical segment).

With regards to claim 2, Dugas et al disclose that the two portions are mirror image (see fig.6 element 38 and fig.7).

With regards to claim 3, Dugas et al disclose that at least two portions are terminated with circular opening (see fig. 7 elements 42,42',44,44').

With regards to claims 15-17, the apparatus claimed in claims 15-17 corresponds to the magnetic tape limitations recited in claims 1-4, respectively. Therefore the rejection applied to claims 1-4 above in this office action is also applied to apparatus claims 15-17 for the same reasons of anticipation.

With regards to claims 22-23, the method claimed in claims 15-17 corresponds to the magnetic tape limitations recited in claims 1-4, respectively. Therefore the rejection applied to claims 1-4 above in this office action is also applied to method claims 22-23 for the same reasons of anticipation.

With regards to claims 6, 8, 19-20, 24 and 26, Dugas et al discloses a magnetic tape (see fig. 1 and disclosure thereof) comprising at least servo track (see figs. 1, 5-7 and 10 and disclosure thereof) that includes vertical segments written only in a staggered pattern (see figs. 1,5-7 and 10 and disclosure thereof), and a terminated portion of a write gap segment being

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larger... (see fig. 7; wherein Molstad et al indicates that the write gap segment is terminated with a circular openings).

With regards to claims 7 and 25, Molstad et al shows the vertical segments in the staggered pattern are mirror images of each other (see figs. 5-7 and disclosure thereof).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571 272 4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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